

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:10-cv-00022-MR-DLH**

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|--------------------------------|---|--|
| THE HAMMOCKS, LLC d/b/a |) | |
| Richmond Hill Inn, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| |) | |
| HARLEYSVILLE MUTUAL |) | |
| INSURANCE COMPANY, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

J U D G M E N T

THIS MATTER came on for trial and was heard by the undersigned judge, and a jury was duly empaneled and has answered the issues presented as follows:

1. Did the plaintiff in applying for the insurance policy willfully make one or more representations that were both false and material?

ANSWER: NO

2. Did the plaintiff intentionally participate in the burning of the Richmond Hill Inn Mansion?

ANSWER: YES

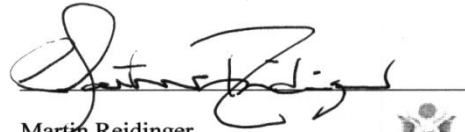
Based on the foregoing facts as found by the jury, the Court concludes as a matter of law that the Defendant has no duty to provide coverage for the claim of loss tendered by the Plaintiff and that the insurance policy at issue is null and void, under the terms and conditions of the policy, as a result of the Plaintiff's intentional participation of the burning of the insured property.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Defendant's counterclaim for declaratory judgment is hereby **GRANTED**, and the Defendant is entitled to a declaration that the Defendant has no duty to provide coverage for the claim of loss tendered by the Plaintiff and that the insurance policy at issue is null and void, under the terms and conditions of the policy, as a result of the Plaintiff's intentional participation of the burning of the insured property.

IT IS FURTHER ORDERED that the Plaintiff shall recover nothing from the Defendant in the form of damages.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Plaintiff's action is hereby **DISMISSED WITH PREJUDICE** in its entirety, and the Defendant shall recover its costs of the action from the Plaintiff.

Signed: December 11, 2012


Martin Reidinger
United States District Judge

